

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CASE NO. C 07 2279 EMC (MEJ)

ROLAND E. GARCIA, doing business as  
"GARCIA INTERNATIONAL TRADING,"

Plaintiff(s),

v.

**JOINT SUPPLEMENTAL CASE  
MANAGEMENT STATEMENT  
AND PROPOSED ORDER**

DAVID COLEMAN, an individual;  
ANN COLEMAN, an individual;  
AMERIVINE, INC.; and  
DOES 1-100

Date: March 26, 2008  
Time: 2:30 p.m.  
Telephonically

Defendant(s).

---

Pursuant to Civil L.R. 16-10(d), the parties to the above-entitled action certify that they met and conferred at least 10 days prior to the subsequent case management conference scheduled in this case and jointly submit this Supplemental Case Management Statement and Proposed Order and request the Court to adopt it as a Supplemental Case Management Order in this case.

**DESCRIPTION OF SUBSEQUENT CASE DEVELOPMENTS**

**1. The following progress or changes have occurred since the last case management statement filed by the parties:**

**Discovery.**

Since the last Case Management Conference on January 2, 2008, the parties have participated in a significant amount of discovery. On January 18, 2008, defendant David Coleman timely responded to Plaintiff's request for admissions, request for production of documents and special interrogatories.

On January 29, 2008, the Defendants propounded requests for admissions and requests for production of documents on Plaintiff, and on February 13, 2008, the

Defendants propounded special interrogatories on Plaintiff. Plaintiff's responses to the aforementioned discovery were served on March 14, 2008.

On February 8, 2008, Plaintiff served his second request for production of documents on defendant David Coleman, and on March 11, 2008, he served his responses.

The deposition of Plaintiff is scheduled for March 20, 2008. The deposition of defendant David Coleman is scheduled for March 21, 2008.

**Settlement and ADR.**

The case had been scheduled for a Settlement Conference before Magistrate Judge Maria-Elena James on March 12, 2008. On February 25, 2008, the Settlement Conference was rescheduled to May 12, 2008 because the parties and Judge Maria Elena James agreed that the Settlement Conference would be more meaningful if the parties had the opportunity to depose both Plaintiff and defendant David Coleman they engaged in settlement discussions.

**2 The parties jointly request the Court to make the following Supplemental Case Management Order:**

In light of the foregoing, the parties respectfully request that the court order that the Case Management Conference currently set for March 26, 2008, be vacated and reset for May 28, 2008, at 2:30 p.m.

Dated: March 19, 2008

MERRILL, ARNONE & JONES, LLP

/s/WILLIAM J. ARNONE, JR.  
Attorneys for Defendants

Dated: March 19, 2008

CARLE, MACKIE, POWER & ROSS, LLP

/s/PHILIP J. TERRY  
Attorneys for Plaintiff

### SUPPLEMENTAL CASE MANAGEMENT ORDER

The Supplemental Case Management Statement and Proposed Order is hereby adopted by the Court as a Supplemental Case Management Order for the case and the parties are ordered to comply with this Order. The Case Management Conference is reset from 3/26/08 to 5/28/08 at 2:30 p.m. An updated joint case management statement shall be filed by 5/21/08.

**Dated:** March 21, 2008

